IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 11600 of 1999

Between:

Smt. Durgamma, W/o. Late G.Ramulu, aged about 64 yrs
Venkatrao Memorial High School, Laldarwaja,
Hyderabad.

..... PETITIONER

AND

1 State of Andhra Pradesh, Rep. by its Secretary to the Governement, Education Department, Secretariat,
Hyderabad.

2 The Commissioner & Director of School Education,
Government of Andhra Pradesh, Hyderabad.

3 The Dist. Educational Officer,
Hyderabad, Hyderabad District.

4 The Accountant General,
Hyderabad, Andhra Pradesh.

5 The Local Fund Audit, Rep. by its Director,
Hyderabad.

6 The Venkatrao Memorial High School, Rep. by its Secretary & Correspondent, Laldarwaja, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate Writ, Order or direction especially one in the nature of a Writ of Mandamus directing the respondents to release the pension, gratuity and other

retirement benefits by according annual grace increments with effect from 1-4-1985 after revising and re-fixing the pay of the petitioner in the light of the letter of the Commissioner & Director of School Education passed in Lr.Rc.No.3541/D1-5/96-1 dated 1-5-1997 and accord all consequential and other attendant benefits and pass such other order or orders as may be found expedient or the interests of justice warrant.

Counsel for the Petitioner: MR.Y.VENKAT SASTRY

Counsel for the Respondent Nos.1 to 5: GP FOR EDUCATION

Counsel for the Respondent No.6: MR.B.MADHAVA REDDY

The Court made the following:

ORDER

Heard Mr.Y.Venkata Sastry, learned counsel for the petitioner and also learned Government Pleader for School Education.

The only and short grievance of the petitioner is that in spite of the formal submission of papers and also necessary clarification issued by the 2nd respondent herein, the 1st respondent is not passing any orders with regard to pension, gratuity and other benefits to which the petitioner is entitled. Hence the Writ Petition.

The case of the petitioner is that she was initially appointed on 08-02-1971. Thereafter she was posted as Attender from the year 1983 onwards and ultimately she retired from service on 31-10-1995. On completion of all the formalities, the District Educational Officer has forwarded the pension papers on 18-09-1997. But an objection was raised as to whether the petitioner can be given any such pension on the ground that she was not fully qualified. The 2nd respondent has already clarified the same on 01-05-1997 to the effect that no such qualification is required and in spite of the letter being sent in Roc No.3641/D1-5/96-1, dated
01-05-1997 which reiterates seeking clarification, the matter is now pending

consideration before the 1st respondent. In view of the pendency of the matter before the 1st respondent in regard to the aforesaid correspondence which has already been taken, it is not necessary to go into the merits of the case. It would suffice in the interest of justice to direct early disposal of the Writ Petition at the level of the 1st respondent.

Accordingly, the Writ Petition is disposed of directing the 1st respondent to consider the case of the petitioner and pass orders on merits in accordance with law within a period of two months from the date of receipt of a copy of this order. It is needless to observe that the concerned authorities should hasten the entire process of releasing of pension to which the petitioner is entitled as per the decision taken expeditiously, in view of the fact that the petitioner is already sufficiently old and a senior citizen. No costs.

16-02-2005.

Hsd

Note: Issue C.C. in one week

B/o

Hsd

Asst. Registrar

To

1 The Secretary to the Governement, State of Andhra Pradesh, Education Department, Secretariat, Hyderabad.

2 The Commissioner & Director of School Education,
Government of Andhra Pradesh, Hyderabad.

3 The Dist. Educational Officer,
Hyderabad, Hyderabad District.

4 The Accountant General,
Hyderabad, Andhra Pradesh.

5 The Director, Local Fund Audit, Hyderabad.

6 The Secretary & Correspondent Venkatrao Memorial High School, Laldarwaja, Hyderabad.

7. 2 C. Cs to G.P. for School Education, High Court Buildings,

Hyderabad (OUT)

8. 2 C.D. copies.